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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,619	04/03/2001	Brian Wehrung	A-66417-1/AJT/MSS/JWC	3517

33864 7590 08/11/2004

O'MELVENY & MYERS, LLP
275 BATTERY STREET
SUITE 2600
SAN FRANCISCO, CA 94111-3305

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AUG 17 2004

EXAMINER

BARTUSKA, FRANCIS JOHN

ART UNIT PAPER NUMBER

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

34741-753

Docketed - ~~18~~



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

NOTICE OF DRAWING INCONSISTENCY WITH SPECIFICATION

The drawings filed 04-03-01 have been received. However, an inconsistency exists between the drawings and the Brief Description of the Drawings in the specification.

Figures 5 are listed in the Brief Description of the Drawings in the specification but not contained in the Drawings.

Figures 5A are contained in the Drawings but not listed in the Brief Description of the Drawings in the specification.

Applicant is required to correct the above-noted inconsistency within a time period of **ONE MONTH or THIRTY (30) DAYS, whichever is longer**, from the mailing date of this Notice, or within the time remaining in the time period set forth in the Notice of Allowability (Form PTOL-37) to file corrected drawings, whichever is longer. **NO EXTENSION OF THIS TIME PERIOD MAY BE GRANTED UNDER EITHER 37 CFR 1.136 (a) OR (b)**

Failure to correct the above noted inconsistency will result in **abandonment** of the application.

The file will be held in the Publishing Division to await the correction of the inconsistency.

Return Corrected Drawings/Specification to:

Mail Stop Issue Fee
Commissioner for Patents
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Office of Patent Publication/Publishing Division
Customer Service: 703-308-6789
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FORM PTO-1631 (REV. 10-03)



Please type a plus sign (+) inside this box → ☐

PTO/SB/21 (6-98)
Approved for use through 09/30/2000. OMB 0651-0031
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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/825,619	
	Filing Date	April 3, 2001	
	First Named Inventor	Brian Wehrung	
	Group Art Unit	3627	
	Examiner Name	Bartuska, Francis	
Total Number of Pages in This Submission	6	Attorney Docket Number	34741-753

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input checked="" type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below): <div>Return Receipt Postcard and Notice of Drawing Inconsistency with Specification</div>
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Scott D. Sanford, Reg. No.: 51,170 - O'Melveny & Myers LLP
Signature	
Date	September 7, 2004

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on: September 7, 2004			
Typed or printed name	Scott D. Sanford		
Signature		Date	September 7, 2004

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

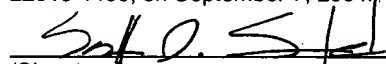
In re Application
Inventor(s): Wehrung et al.
Application No.: 09/825,619
Confirm. No.: 3517
Filed: April 3, 2001
Title: Distributed Control System
Architecture and Method for a
Material Transport System

PATENT APPLICATION

Art Unit: 3627
Examiner: Bartuska, Francis

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited in the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop: Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 7, 2004.


(Signature)
Scott D. Sanford, Reg. No. 51,170
Signature Date: September 7, 2004

RESPONSE TO NOTICE OF DRAWING INCONSISTENCY WITH SPECIFICATION

Mail Stop: Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This RESPONSE is in reply to the Notice of Drawing Inconsistency with Specification mailed August 11, 2004 (copy enclosed). The Office of Patent Publication/Publishing Division has notified Applicants of the following inconsistencies between the drawings and the Brief Description of the Drawings in the above-identified application:

- (1) Figure 5 is listed in the Brief Description of the Drawings in the specification but not contained in the Drawings; and
- (2) Figure 5A is contained in the Drawings but not listed in the Brief Description of the Drawings in the specification.

Enclosed with this RESPONSE is new drawing sheet 7/50 to correct the above-identified inconsistencies. The new drawing sheet 7/50 includes Fig. 5, and replaces the originally filed drawing sheet 7/50 including Fig. 5A.

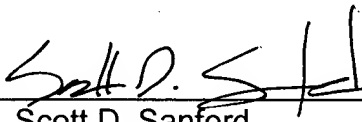
REMARKS

Applicant is required to respond to the Notice within thirty days from the mailing date of the Notice - August 11, 2004. This RESPONSE is being mailed to the above-identified address on September 7, 2004 – less than thirty days from the mailing date of the Notice. Therefore, this RESPONSE is timely filed.

Respectfully submitted,

Date: September 7, 2004

By: _____


Scott D. Sanford
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